

HON'BLE SRI JUSTICE GUDISEVA SHYAM PRASAD

WRIT PETITION No.4577 of 2016

ORDER:

The inaction of respondent No.3 (Station House Officer, Madannapet Police Station, Hyderabad), in providing police protection despite producing an order of *status quo*, in I.A.No.6 of 2016 in O.S.No.111 of 2016 on the file of XIX Junior Civil Judge, Hyderabad, is questioned in the Writ Petition as being illegal and arbitrary.

In the affidavit filed in support of the writ petition, it is stated that respondent No.3 confined the petitioner in police station on 20.01.2016 with a demand to vacate the premises where he carries on vegetable business; and respondent Nos.4 and 5, with the help of respondent No.3, obstructed his vegetable business. He, therefore, filed suit in O.S.No.111 of 2016 on the file of XIX Junior Civil Judge, City Civil Court, Hyderabad, against unofficial respondents for perpetual injunction. By order dated 07.01.2016, in I.A.No.6 of 2016 in O.S.No.111 of 2016, the learned XIX Junior Civil Judge, City Civil Court, Hyderabad, directed the parties to maintain *status quo* till the date of filing of counter. Petitioner's grievance is that, with the help of respondent No.3, respondent Nos. 4 and 5 are interfering with his business; and, he, therefore, filed the instant Writ

Petition to grant police aid to implement the *status quo* order granted on 07.01.2016.

Heard the learned Assistant Government Pleader for Home (TG).

Learned counsel for respondent Nos.4 and 5 submits that the learned XIX Junior Civil Judge, City Civil Court, Hyderabad, in I.A.No.6 of 2016 in O.S.No.111 of 2016, dated 07.01.2016, directed the parties to maintain *status quo* till the date of filing counter; subsequently, the order of *status quo* was not extended by docket orders dated 04.02.2016; 05.02.2016; and 10.02.2016; the application in I.A.No.92 of 2016 filed by the petitioner seeking extension of the order of *status quo* granted in I.A.No.6 of 2016 in O.S.No.111 of 2016, dated 07.01.2016 was dismissed; therefore, the order of *status quo* was not in force as on the date of filing of the writ petition; and the writ petition has become infructuous.

It is obvious that suit in O.S.No.111 of 2016 is pending, and an order of *status quo* was granted in I.A.No.6 of 2016 on 07.01.2016. Subsequently, the petitioner's application seeking extension of the *status quo* order was dismissed in I.A.No.92 of 2016 on 22.11.2016. Petitioner suppressing the said fact filed the present Writ Petition seeking police aid for implementation of the order in I.A.No.6 of 2016 in O.S.No.111 of 2016, dated 07.01.2016.

It is pertinent to note that the Civil Court passed an order of *status quo* to be maintained by both the parties. The remedy available to the petitioner is to file a petition before the same Court for implementation of the order of *status quo*. Petitioner, instead of filing a petition before the Civil Court, approached this Court by way of writ. Petitioner has not brought to the notice of this Court as to whether the order in I.A.No.92 of 2016 dated 22.11.2016, wherein the application, filed seeking extension of the order of *status quo* in I.A.No.6 of 2016 in O.S.No.111 of 2016, was dismissed or not.

For the aforesaid reasons, the Writ Petition is liable to be dismissed and is, accordingly, dismissed.

Miscellaneous petitions, if any pending, shall stand closed.

GUDISEVA SHYAM PRASAD, J

Date:26.04.2018

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